



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Ethics Commission Minutes February 15, 2006

Commission Members Present: Chair Jamie Eshbaugh, Vice Chair Carroll Haugh, Frank Fortkamp, and Bob Ward.

Mayor & Council Present:

Staff Present: City P & Z Administrator Rick Stup, Temporary Staff Liaison; and Paul Rose, City Attorney

Chairperson Eshbaugh called the meeting to order at 7:00 PM.

Minutes

The minutes of the January 18, 2006 meeting were reviewed and approved. (Motion by Dr. Fortkamp and seconded by Mr. Ward unanimously passed.)

Chair:

Mr. Stup explained the additional information distributed on the Dias.

Old Business:

It was the consensus of the Commission in an effort to save the applicant's time since the City Administrator was involved in both requests, that all Open Session Questions would be asked on a case by case basis first, and then decide if any witnesses needed to stay for the Closed Session portion for deliberation.

Request for Advisory Opinion

Hearing of Request for Advisory Opinion

Case No. BR-AO-06-01

Examination of Requests and testimony. The Commission examined the Request for an Advisory Opinion with regard to Code of Ordinances, Article 3 Code of Ethics, Title 2 Conflicts of Interest, Section 2-3201 Prohibitions, (d) for use in future situations, and asked questions of City Administrator, Applicant, Mr. David Dunn and Water Department Superintendent Pat Hoffmaster.

Mr. Haugh entered the Dias during questioning for this case.

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Old Business Cont.

Messrs. Rose and Stup answered various questions.

“Closed Session” for deliberation of facts. Motion made by Dr. Fortkamp to go into Closed Session under the Maryland Open Meetings Law to discuss the Request; Mr. Ward seconded the motion.

VOTE: Yea 4 Nay 0

Chair Eshbaugh reconvened the meeting after the Closed Session. Mr. Stup was asked to restate the results of the deliberation during the Closed Session.

Decision

Mr. Haugh made a motion to find that the situation was in violation of Code of Ordinances, Article 3 Code of Ethics, Title 2 Conflicts of Interest, Section 2-3201 Prohibitions, (a), (c), and (d); Dr. Fortkamp seconded the motion.

VOTE: Yea 4 Nay 0

The City Attorney was instructed by the commission to include in the Advisory Opinion a brief explanation of the Opinion and advise the City Administrator to notify all of the City Department Superintendents of the Advisory Opinion.

Case No. BR-AO-06-02

Examination of Requests and testimony. The Commission examined the Request for an Advisory Opinion with regard to Code of Ordinances, Article 3 Code of Ethics, Title 2 Conflicts of Interest, Section 2-3201 Prohibitions, (h), and asked questions of City Administrator, Applicant, Mr. David Dunn.

“Closed Session” for deliberation of facts. Motion made by Dr. Fortkamp to go into Closed Session under the Maryland Open Meetings Law to discuss the Request; Mr. Ward Seconded the motion.

VOTE: Yea 4 Nay 0

Chair Eshbaugh reconvened the meeting after the Closed Session. Mr. Stup was asked to restate the results of the deliberation during the Closed Session.

Decision

Dr. Fortkamp made a motion to find that the situation was not in violation of Code of Ordinances, Article 3 Code of Ethics, Title 2 Conflicts of Interest, Section 2-3201 Prohibitions, (h), since it constitutes a Constituent Service normally associated with

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Old Business Cont.

elected office and a City Administrator, and the entire Council with the Mayor and City Administrator was invited; Mr. Haugh seconded the motion.

VOTE: Yea 4 Nay 0

The City Attorney was instructed by the commission to include in the Advisory Opinion a statement that this is not to be interpreted as a “blanket Exception” for all such private functions, and a reminder that under the current Ethics Ordinance the estimated cost of the event for each individual is required to be reported on the Annual Financial Disclosure Form at the end of the year.

Action Items

Review of Action Items from the last meeting.

Mr. Stup reviewed the status of the Action Items from the last meeting and answered Commissioner questions.

Revised Ethics Ordinance

Discussion of comments by the Mayor & Council from the January 31 Workshop.

Ms. Eshbaugh and Messrs. Rose and Stup reviewed and discussed his draft of the revised Ordinance.

Messrs. Rose and Stup answered questions to include procedural questions of the Commission.

It was the consensus of the Commission that no revisions to the draft document were needed.

Ethics Handbook

Discussion on the proposed Ethics Handbook.

Mr. Stup presented the City of Frederick’s Ethics Handbook for discussion how and if the Commission wanted to proceed to develop the City of Brunswick Handbook prior to action by the Mayor & Council, and what if any additional situations should be added to the draft Handbook.

It was the consensus of the Commission to proceed with the draft Handbook as discussed prior to Mayor & Council action. The Commissioners will review the City of Frederick Document and forward any comments to Staff. Additionally, they will suggest any new examples to be added based on their review of the new draft ordinance and the comments from the various Workshops with the Mayor and Council.

Old Business Cont.

Commission Work Goals

Evaluation of Ordinance Review Strategy & Schedule.

The Commission reviewed the Work Goals and it was their consensus to continue with the Handbook work and review of comments from the State when received.

New Business

Annual Financial Disclosure

Review of the Annual Financial Disclosure Forms and compliance with the filing requirements.

Staff presented the Annual Financial Disclosures for Commission review. He identified those that had been filed late, those missing that were addressed in a letter from the Mayor, and reported those that had not filed the Report.

After discussion, the Commission found that the filed Reports were satisfactory as submitted, agreed with the Mayor's letter addressing the EDC, and instructed Staff to forward a letter to those failing to file that the Report must be filed prior to the March 15, 2006 meeting or the Commission will consider initiation of the Enforcement Section of the Ethics Ordinance.

Comments:

It was restated that the following would be completed for the next meeting:

- City Attorney to forward drafts of the two Advisory Opinions for signature by the Chair.
- Staff is to distribute the Advisory Opinions.
- Staff and the City Attorney Liaison to begin the draft of the Handbook for Commission review.
- City Attorney to check the status of our Ordinance Review Request with the State Ethics Commission Office.
- Staff to draft letters to the delinquent Annual Financial Report parties.

Mr. Stup reminded the Commission that the next meeting is scheduled for March 15, 2006. However, unless comments are received on the new Ordinance from the State Ethics Commission and/or a Request for Advisory Opinion or Complaint is received, there is no reason to meet in March other than if the remaining Annual Financial reports are not filed. It was the Commission's consensus that a meeting is not required for just the remaining Financial Reports. If they are not filed, Staff is to draft a recommendation of termination letter to the Mayor for review and approval by the Chair

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New Business Cont.

and City Attorney Liaison, since this is the third notice of the requirement to file the Report by January 31, 2006. If they are submitted, Staff is to forward them to the Commission and City Attorney and the Chair will decide if a meeting in March is required to review them.

Adjournment

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Jamie Eshbaugh, Chair
Brunswick Ethics Commission